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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,856	10/17/2003	Andreas Roessler	13913-101001 / 2003P00185	9457
22852 7590 07/05/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER PHANTANA ANGKOOL, DAVID	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 07/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/688,856

Applicant(s)

ROESSLER, ANDREAS

Examiner

David Phantana-angkool

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 9 is objected to because of the phrase "the data structure" lacks clear antecedent.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

2. **35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 1 – 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

As for claim 1, the claim recites "A computer program product, tangibly embodied in an information carrier." The information carrier thus defined in the specification includes media such as "propagated signal" (Page 6, lines 14-18) that are considered to be non-statutory subject matter.

As for claims 2 - 6, the claims recite "the product" and are respectfully rejected along the same rationale as claim 1 above.

### ***Claim Rejections - 35 USC § 102***

4. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1 – 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Lupo et al., US# 6,973,625 B1 (hereinafter Lupo).**

**As for independent claim 1:**

Lupo shows a computer program product, tangibly embodied in an information carrier, the computer program product comprising instructions operable to cause data processing apparatus to perform operations comprising:

- *detecting multiple changes to a user interface of a computer program, the user interface having multiple user interface elements, each change being a change to one of the multiple user interface elements (3: 54-4: 11);*
- *generating a rendering request for each change, each rendering request specifying the user interface element that has changed and a type of modification to be performed on the user interface element; filtering the requests to eliminate redundant requests (5: 23-34).*

**As for dependent claim 2:**

Lupo shows the *product of claim 1, wherein each rendering request is a request to modify a data structure representing the user interface (5:40-49).*

**As for dependent claim 3:**

Lupo shows the *product of claim 2, wherein the data structure is a document object model representation of the user interface (5:40-49).*

**As for dependent claim 4:**

Lupo shows the *product of claim 1, wherein: the type of modification is a complete re-rendering of the user interface element (2: 44-64 and 5:23-34).*

**As for dependent claim 5:**

Lupo shows the *product of claim 1, wherein: the type of modification is an update of one or more, but not all, of the attributes of the user interface element (2: 44-64 and 5:23-34).*

**As for dependent claim 6:**

Lupo shows the *product of claim 1, wherein the operations further comprise: rendering the user interface based on the filtered requests.*

**As for claims 7-12:**

Claims 7-12 reflect the apparatus comprising of computer readable instructions for performing the step of claims 1-6 and are respectfully rejected along the same rationale.

**As for dependent claim 13:**

Lupo shows a system comprising:

- *a Web page rendered in a Web browser, the Web page including one or more user interface elements; a document object model representation of the Web page, and a framework running in the browser, the framework including (3:62-4: 11):*
  - *one or more trees that store the visualization of the Web page, each user interface element being associated with a portion of the document object model representation and with a portion of the tree (6:29-40);*
  - *a filtering mechanism for filtering rendering requests, each rendering request specifying a user interface element that has changed and a type of modification to be performed on the portion of the document object model representation associated with the specified user interface element (5:23-40).*

**As for dependent claim 14:**

Lupo shows the system of claim 13, wherein the trees include a UI tree, a data tree, or both (5: 50- 6: 15).

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

The Examiner notes MPEP § 2144.01, that quotes In re Preda, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) as stating "in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in

the art would reasonably be expected to draw therefrom." Further MPEP 2123, states that "a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can normally be reached on M-F, 9:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP



WEILUN LO  
**SUPERVISORY PATENT EXAMINER**